

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

FRANK JOHN RICHARD,

Plaintiff,

v.

Civil Case No. 21-12064  
Honorable Linda V. Parker

THOMAS HAYNES,

Defendant.

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**OPINION AND ORDER ADOPTING MAGISTRATE JUDGE’S MARCH 7, 2023,  
REPORT AND RECOMMENDATION**

Plaintiff Frank Richard, an individual incarcerated in the Michigan Department of Corrections, initiated this pro se civil rights lawsuit against Defendants on August 26, 2021. In an Amended Complaint filed November 12, 2021, Plaintiff asserts violations of his rights under the First, Eighth, and Fourteenth Amendments. (ECF No. 16.) Defendants filed a motion for summary judgment based on the failure of Plaintiff to exhaust his administrative remedies (ECF No. 21), which this Court granted in part and denied in part (ECF No. 32) after adopting Magistrate Judge Curtis Ivy, Jr.’s Report and Recommendation (“R&R”) (ECF No. 25). As a result, all claims and Defendants were dismissed except for one claim against Defendant Thomas Haynes.

The matter has been referred to Magistrate Judge Ivy for all pretrial proceedings, including a hearing and determination of all non-dispositive matters pursuant to 28 U.S.C. § 636(b)(1)(A) and/or a report and recommendation on all dispositive matters pursuant to 28 U.S.C. § 636(b)(1)(B). (ECF No. 31.) On January 13, 2023, Defendant Haynes filed a motion to dismiss. (ECF No. 59.)

On March 7, 2023, Magistrate Judge Ivy issued a report and recommendation (R&R) recommending that the Court grant Defendant's Motion to Dismiss because Plaintiff failed to file his lawsuit within the three-year statute of limitations pursuant to 42 U.S.C. § 1983. (ECF No. 63.) At the conclusion of the R&R, Magistrate Judge Ivy informs the parties that they must file any objections to the R&R within fourteen days. (*Id.* at Pg ID 586.) He further specifically advises the parties that "[f]ailure to file specific objections constitutes a waiver of any further right to appeal." (*Id.* (citations omitted).) Neither party filed objections.

The Court has carefully reviewed the R&R and concurs with the conclusions reached by Magistrate Judge Ivy. The Court therefore adopts the R&R.

Accordingly,

**IT IS ORDERED** that Defendant's Motion to Dismiss (ECF No. 59) is **GRANTED**, the Amended Complaint is **DISMISSED WITH PREJUDICE**.

**SO ORDERED.**

Dated: April 4, 2023

s/Linda V. Parker  
LINDA V. PARKER

UNITED STATES DISTRICT JUDGE